

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 25, 2006

D047489 People v. Said S.

The order of the juvenile court finding that he received stolen property is reversed. McIntyre, J.; I Concur: McConnell, P.J.; I Dissent: Benke, J.

D049251 Lexin et al. v. The Superior Court of San Diego County/People

The petition is denied.

D047511 Urton v. California Contractors' State License Board et al.

Judgment affirmed. Urton to pay respondents' costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D048651 In re Wendy L., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D044546 Red Mountain v. Fallbrook Public Utility District

The judgment is reversed and the cause matter is remanded for retrial. The postjudgment order awarding Red Mountain litigation expenses under Code of Civil Procedure sections 1036 and 1250.410 is reversed and the matter is remanded for redetermination in light of the outcome of the retrial. The stay this court issued on September 8, 2004 is vacated. The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D049136 Christina S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed for Christina S. The notice of intent is deemed to be abandoned. The case is dismissed.

D049137 Larry M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Larry M. has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

D049140 Frances L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Frances L. has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 25, 2006 (Continued)

**D049329 Christina A. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The attorney for petitioner Christina A. has notified the court that a Petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

D047523 Scully v. Acadia Pharmaceuticals Inc., et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 26, 2006

D048188 In re the Marriage of Krzemien

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D048326 In re Diego A., a Juvenile

The order and judgment are affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D048966 Heidi W. v. Superior Court of Imperial County/Imperial County Department of Social Services

The petition is denied. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D048756 In re Alexis C., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Nares, J., Haller, J.

D046697 People v. Stone

The judgment is affirmed. Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D046148 People v. Lewis

D048525 In re Lewis on Habeas Corpus

The pending petition for writ of habeas corpus, In re Shawn Lewis, D048525, is consolidated with the pending appeal, People v. Lewis, D046148, for disposition.

D046148 People v. Lewis

D048525 In re Lewis on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is denied. Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

D046661 People v. Cowart

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre J.

D048180 Adoption of J. D., a Minor

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D049397 Gray v. Superior Court of San Diego County/People

The petition is denied.

D049010 In re Roe on Habeas Corpus

The petition is denied.

D048303 In re William D., a Juvenile

The appeal is dismissed as moot. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 27, 2006

D048791 In re Damian O., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: Nares, Acting P.J., Aaron, J.

D048162 People v. Gonzales

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D049441 In re Tionna G., a Juvenile

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refile a notice of appeal after an appealable order or judgment is entered.

D045985 Har Construction v. San Diego Unified School District

The judgment is affirmed. Each party to bear own costs. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

D046358 In re the Marriage of Bowen

D047063 In re the Marriage of Bowen

The pending appeals, In re the Marriage of Jennifer and Robert E. Bowen, D046358, and Bowen v. Bowen, D047063, are consolidated for consideration and disposition.

D046358 In re the Marriage of Bowen

D047063 In re the Marriage of Bowen

The judgment and order are affirmed. Jennifer to bear Robert's and Gatlin's costs on appeal. Haller, J. We Concur: Benke, Acting P.J., O'Rourke, J.

D048883 In re Love on Habeas Corpus

The petition is denied.

D048998 Alabanza Corporation v. Superior Court of San Diego County/Abacus America Inc., et al.

The petition is denied.

D048070 In re A. G., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting, P.J., Haller, J.

D049429 Bacon v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 27, 2006 (Continued)

D049060 In re Williams, on Habeas Corpus

The petition is denied.

D048972 O'Connor v. Workers' Compensation Appeals Board and Qualcomm, Inc.

The petition is denied because it is untimely.

D049031 Abram Interstate Insurance Services, Inc. v. The Superior Court of San Diego County/R.D. Hanson Insurance Services, Inc.

The petition is denied.

D049061 In re Martinez on Habeas Corpus

The petition is denied.

D048497 People v. William Peter New

D047996 People v. Ramon P. Bartoleno

10:00 a.m. Court convenes

Associate Justice Gilbert Nares designated hearing officer and referee in this matter.

Deputy Clerk: C. Tunnell

Deputy Clerk: D. Moore, recording

CHP Officer: Art Athans

Appointed Counsel Rebecca P. Jones present with Ja' Nal Carter, CSR # 12813.

Jill Amanda Matuk, Supervising Deputy Clerk, Court of Appeal present

In re the Matter of Ja' Nal Carter, CSR # 12813, Official Reporter, on Order to Show Cause why sanctions should not be imposed pursuant to rule 46.5 of the California Rules of Court for failure to prepare and file reporter's transcripts in the following cases:

People v. New, D048497

People v. Bartoleno, D047996

10:01 a.m. Attorney Rebecca P. Jones represented to the Court she has held preliminary meetings with her client and asks the Court for a continuance in which to prepare for this hearing. Attorney Jones states there are potential witnesses to be called.

10:02 a.m. The Court asks for status as to what efforts are being made to complete the transcripts. The Court expresses concern for both the defendants and the victims, in these cases, who have been waiting for quite a long time for these records to be completed.

Attorney Jones is reluctant to state in open court how much work has been done on the transcripts but reassures the Court that the notes are not lost and reconstruction is not an issue.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 27, 2006 (Continued)

10:05 a.m. The Court calls for a 15 minute recess for the attorney to confer with her client and be prepared to answer three questions:

- 1) When will the transcripts be complete?
- 2) How much time has the court reporter spent daily on transcript preparation?
- 3) What communication has your client had with Superior Court and have you had any communication with Superior Court and with whom.

10:10 a.m. Court is in Recess

10:25 a.m. Court is back in session

10:25 a.m. Attorney Jones tells the court that reporter Ja' Nal Carter will be able to turn in the completed reporter's transcripts for both the New case and the Bartoleno case by noon on Friday, October 6, 2006.

10:28 a.m. Jill Matuk tells attorney Jones that the transcripts must comply with California Rules of Court, rule 9 as to pagination and volume numbers and must include a Master Index.

The Order to Show Cause Hearing is CONTINUED to October 6, 2006 at 2:00 p.m.

The Court directs the clerk's office to notify Superior Court to appear at the hearing and to bring with them the two completed records.

Attorney Jones and court reporter Ja' Nal Carter are ordered to appear at the hearing where the Court will determine if the transcripts are completed in accordance with the Rules of Court and will make a determination on the sanction issue.

10:35 a.m. Court adjourns.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 28, 2006

D046535 People v. Pressly

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D047794 Mendoza v. Lane et al.

The order is affirmed. Mendoza is ordered to pay defendants' costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D048191 In re G.R. et al., Juveniles

Judgment affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D048927 In re Jesus L., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D049102 In re Chang on Habeas Corpus

The petition for writ of habeas corpus and motion to recall the remittitur are denied.

D049254 Defrench et al. v. Superior Court of San Diego County/Meyer

The petition is denied.

D049063 In re Morris on Habeas Corpus

The petition is denied.

D049085 In re Butler on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 29, 2006

D047499 People v. Flores

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D048790 In re A. M., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

D049474 Lias v. Superior Court of San Diego County/Nobel Court Development

The petition is denied.

D048754 In re M.H., a Juvenile

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D049300 Bertha L. et al. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Bertha L. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case as to Bertha L. is dismissed.

D047645 People v. Osuna

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Haller, J.

D048006 People v. Goncalves

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).